In re Application of Min-ju Kim
Application No. 10/716,009
Response to Office Action of January 26, 2007

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Upon entry of this Amendment, claims 1-14 will be pending.

Claims 1, 2 and 4-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over published U.S. Patent Application No. 2002/0171746 to Stephany et al. in view of U.S. Patent No. 6,907,136 to Shigemori. Also, claims 3 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stephany and Shigemori in further view of U.S. Patent No. 5,923,380 to Yang et al. These rejections are respectfully traversed.

Specifically, as discussed in more detail below, Applicant respectfully submits that as admitted by the Examiner, the Stephany reference fails to teach or suggest a method for capturing images that includes the steps of displaying a "detection area" adjacent to a reference outline, and detecting the outline of a figure within the detection area. Also, Applicant further submits that the Shigemori reference does not teach a "detection area" adjacent to a reference outline, but rather, at best teaches displaying a rectangular mark that can be used to cut out a square image containing the face of an image of a person. Furthermore, this rectangular mark is not used to *detect* the outline of a figure, but rather, is manually sized appropriately about the face of an existing image to cut out a smaller image containing the face. In other words, in Shigemori, the square image is used to manipulate an image, not to *detect* the outline of an image. Accordingly, the Shigemori reference does not make up for the deficiencies in the teachings of the Stephany reference. The Yang reference generally teaches replacing backgrounds in an image, but does not teach or suggest the use of a reference outline and detection area as claimed. Thus, the Yang reference does not make up for the deficiencies in the teachings of the Stephany and Shigemori references.

The claimed embodiments of the present invention, and further details of the teachings of the cited references, will now be discussed.

As described throughout the present application, the claimed embodiments of the present invention provide a method for controlling operation of a digital camera to take an identification photograph. As shown in FIG. 6A, the camera displays a frame FR and a reference outline BL. When an image of a subject is viewed, the reference outline BL can be adjusted as shown in FIGs. 6B and 6C to match the reference outline with the image. A photograph of the image can be taken, and as shown in FIG. 6D, a detection area DA can be

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displayed around the reference outline. An outline of the image can thus be detected in the detection area DA.

The above features are recited in independent claims 1 and 10. Independent claim 10 recites further steps, such as allowing a user to input specifications corresponding to type of frame and reference outline for the identification photograph, allowing the user to aim the camera and set the zoom factor, enlarging, contracting, or maintaining the detection area, deleting the background area of the photographed image with respect to the detected outline, and inserting a background image for the identification photograph in the deleted background area.

The 35 U.S.C. § 103(a) Rejection of Claims 1, 2 and 4-9

In this rejection, the Examiner relies on the Stephany reference for its teaching of a template for an image capture device. In particular, the Stephany reference teaches a digital camera 10 including an image display 20 on which a template 24 can be displayed. As described in paragraph 0034, the template 24 is used to assist the photographer in framing the subject, to capture the image of the subject.

As discussed above, and as admitted by the Examiner, the Stephany reference fails to teach or suggest a method for capturing images that includes the steps of displaying a "detection area" adjacent to a reference outline, and detecting the outline of a figure within the detection area. Nevertheless, the Examiner contends that the Shigemori reference teaches a "detection area," and further contends that one skilled in the art would have found it obvious in view of these teachings to modify the camera 10 taught by the Stephany reference to use a detection area as recited in independent claims 1 and 10 of the present application. Applicant respectfully disagrees.

The Shigemori reference teaches an image processing apparatus and method that is capable of cutting out an area of interest (e.g., the face) from the image of a person. As described beginning at column 2, line 55, and as shown in FIG. 6 of the Shigemori reference, an image is displayed on a display device 5, and a user can manipulate the size of a rectangle mark to designate the size of the area of interest to be cut out of the image. Even assuming, for purposes of this discussion, that the area of interest corresponds to a "detection area," nowhere does the Shigemori reference teach or suggest that the rectangular mark defining the

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area of interest is used to *detect* the outline of a figure. Rather, a user sizes the rectangular mark appropriately about the face of a known image to cut out the area of interest containing the face. Again, in Shigemori, the square image is used to manipulate a larger image, not to *detect* the outline of an image.

Accordingly, Applicant respectfully submits that teachings of the Shigemori reference fail to make up for the deficiencies in the teachings of the Stephany reference to have rendered obvious even the embodiment of the present invention as recited in rejected independent claim 1. Accordingly, independent claim 1, and all of dependent claims 2-9, should be allowable over this combination of references.

In addition, dependent claims 11 and 12 are being added to further define the detecting step and the detection area. It is believed that these claims are allowable, at least by their dependency on independent claim 1. Also, it is believed that none of the cited references teaches or suggests the specifics of the detecting step, nor the relationship between the detection area and the reference outline, as defined in these claims.

The 35 U.S.C. § 103(a) Rejection of Claims 3 and 10

In this rejection, the Examiner relies on the Stephany and Shigemori references for reasons similar to those with regard to the rejection of claim 1. However, the Examiner admits that these references fail to teach or suggest inserting a background image in the deleted background area. Nevertheless, for this feature, the Examiner relies on the teachings of the Yang reference, and contends that one skilled in the art would have found it obvious to further modify the Stephany camera, as modified by the teachings of the Shigemori reference, to achieved the embodiments of the present invention as defined in claims 3 and 10. Applicant respectfully disagrees.

As discussed briefly above, the Yang reference generally teaches replacing backgrounds in an image. However, the Yang reference does not teach or suggest the use of a reference outline and detection area as claimed. In particular, the Yang reference does not teach or suggest the use of a detection area to *detect* the outline of a figure within the detection area. Accordingly, the Yang reference does not make up for the deficiencies in the teachings of the Stephany and Shigemori references to have rendered even the embodiments

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of the invention as defined in independent claims 1 and 10 obvious. Hence, all claims should be allowable.

In addition, dependent claims 13 and 14 are being added to further define the detecting step and the detection area. It is believed that these claims are allowable, at least by their dependency on independent claim 10. Also, it is believed that the Stephany, Shigemori and Yang reference fail to teach or suggest the specifics of the detecting step, as well as the relationship between the detection area and the reference outline, as defined in these claims.

In view of the above, the application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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